

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FELIKS GOLDSHTEIN,)	CASE NO. 5:09 CV 2571
)	
Petitioner,)	JUDGE KATHLEEN M. O'MALLEY
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
STATE OF OHIO,)	<u>AND ORDER</u>
)	
Respondent.)	

On November 3, 2009, petitioner pro se Feliks Goldshtein filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. An Amended Petition was filed on December 7, 2009. Petitioner seeks to challenge his convictions, pursuant to a guilty plea, for robbery, failure to comply with order or signal of a police officer, and resisting arrest.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

As grounds for the petition, Mr. Goldshtein asserts:

1) the trial court lacked subject matter jurisdiction because "I

signed all the paperwork that I submitted to the court 'without prejudice' and 'by' next to my signature. Or I wrote 'authorized representative' instead of by;" 2) he was never shown certified copies of "warrant for arrest," "verified complaint," or "sheriff's order;" and, 3) "[t]he charges have been paid already. The Petitioner accepted the charges for value." None of these grounds raises an issue cognizable in habeas corpus, as no constitutional basis which might be entitle petitioner to release is set forth.

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: January 19, 2010